UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,172	04/16/2004	Terrence Martineau	ALC 3130	8264

7590   10/02/2009

KRAMER & AMADO, P.C.
Suite 240
1725 Duke Street
Alexandria, VA 22314

EXAMINER
TAN, ALVIN H

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
10/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/825,172	MARTINEAU ET AL.
	Examiner	Art Unit
	ALVIN H. TAN	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 July 2009</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-6,8-16 and 18-23</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1, 3-6, 8-16, and 18-23</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some *   c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Remarks

1.　　This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 7/10/09. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

　　　　Claims 1, 3-6, 8-16, and 18-23 have been examined and rejected. This Office action is responsive to the amendment filed on 7/10/09, which has been entered in the above identified application.

Specification

2.　　The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Nowhere in Applicant's specification discloses a computer-readable medium, as recited on *[lines 1-2]* of claim 16.

Claim Rejections - 35 USC § 101

3.　　35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claims 6, 8-12, and 22 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. Regarding claim 6, the system

appears to be directed to software per se because one of ordinary skill in the art could

reasonably interpret the map data collector, outside link locator, MLC generator, and list

organizer as being implemented as software routines. Only if at least one of the claimed

elements of the system is a physical part of a device can the system as claimed

constitute part of a device or a combination of devices to be a machine within the

meaning of 101.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

6.   Claim 1, 3-6, 8-16, and 18-23 are rejected under 35 U.S.C. 102(e) as being

anticipated by Gauvin et al (U.S. Patent No. 7,315,985 B1).

Claims 1, 3-5, 21 (Method)

6-1.   Regarding claim 1, Gauvin teaches the claim of displaying all direct connections

between a subject node and outside nodes not displayed on a map currently presented

on a graphical user interface (GUI) of a communication network, wherein each of said

outside nodes is associated with at least one of a plurality of outside node groups, by

disclosing displaying a network topology view of selected elements within a hierarchical

arrangement of icons *[column 16, lines 24-34]*. Elements in the network topology view

may be grouped together *[column 18, line 60 to column 19, line 11; column 22, lines 31-*

65; figure 7]. The elements may be expanded *[column 18, lines 5-19]* to show lower-

level groups *[column 18, lines 50-59; figure 6]*.

Gauvin teaches bundling for each of said plurality of outside node groups, said

direct connections between said subject node and said outside nodes belonging to said

outside node group to create an outside link bundle, by disclosing a parent-child

relationship among the elements *[column 16, lines 35-56]*.

Gauvin teaches grouping said outside link bundles into a multiple link connector

(MLC) object and associating an interactive connector icon with said MLC object, by

disclosing displaying a hierarchy of icons corresponding to the elements displayed in

the network topology view *[column 16, lines 24-34]*.

Gauvin teaches displaying said interactive connector icon on said map, wherein

said interactive connector icon is attached to said subject node, by disclosing that a

user may select elements in the network topology view for expansion *[column 18, lines*

5-19]. A group expansion mechanism associated with each element may be selected

[column 24, lines 13-34].

Gauvin teaches displaying, responsive to selecting said interactive connector

icon, a pop-up window showing a multiple link connector (MLC) list wherein each item in

said MLC list represents an outside link bundle and a corresponding outside node

group, the outside link bundle comprising one or more direct connections, by disclosing

displaying a group view control mechanism in response to selecting a group expansion

mechanism *[column 26, lines 29-41]*. The group view control mechanism provides

different levels of group expansion for selection *[column 26, lines 42-48, column 27,*

lines 7-19; figure 10].

6-2.   Regarding claim 3, Gauvin teaches the claim with respect to claim 1, wherein

said MLC list displays in each row an interactive outside link widget associated with a

respective interactive group identification widget, by disclosing displaying different levels

of group expansion in the group view control mechanism *[column 26, lines 42-48; figure*

10].

        Gauvin teaches each interactive outside link widget is associated with one of said

outside link bundles, by disclosing that the group view control mechanism indicates the

currently displayed child group element icons that are child icons to a parent level group

[column 26, lines 47-53].

        Gauvin teaches each interactive group identification widget is associated with a

respective one of said outside node groups, by disclosing displaying different levels of

group expansion in the group view control mechanism *[column 26, lines 42-48; figure*

10].

6-3.   Regarding claim 4, Gauvin teaches the claim with respect to claim 3, further

comprising selecting said interactive outside link widget on said MLC list to display a

connections list L(n) identifying all direct connections bundled within said link bundle, by

disclosing that the user may use the group view control mechanism to expand a

selected element *[column 27, lines 20-44]*.

6-4.   Regarding claim 5, Gauvin teaches the claim with respect to claim 3, further

comprising selecting said respective interactive group identification widget on said

multiple link connector list to display a sub-map of said network showing said one of

said outside node groups, by disclosing that the user may use the group view control

mechanism to expand a selected element *[column 27, lines 20-44]*.

6-5.   Regarding claim 21, Gauvin teaches the claim with respect to claim 1, wherein at

least one of said plurality of outside node groups is associated with only one outside

node, by disclosing that the user may edit groups and subgroups *[column 22, lines 31-

65]*. Thus, the system is fully capable of only having one outside node associated with

an outside node group.

Claims 6, 8-12, 22 (System)

6-6.   Regarding claim 6, Gauvin teaches the claim comprising a map data collector

that collects map data for a network device to be displayed on a map of interest, by

disclosing an element database that contains element definitions corresponding to

various manageable elements *[column 13, lines 29-50]*.

Gauvin teaches an outside link locator that bundles direct connections between

said network device and each of a plurality of groups of outside network devices

external to said map into an outside link bundle, and maintains a connections list L(n)

for each of said outside link bundles, by disclosing a resource manager that performs

processing and provides a network topology view *[column 11, lines 34-45]*. Elements

have a parent-child relationship *[column 16, lines 35-56]*.

Gauvin teaches a multiple link connector (MLC) generator that groups said

outside link bundles for said network device into a multiple link connector (MLC) and

associates an interactive connector icon with said MLC, by disclosing displaying a

hierarchy of icons corresponding to the elements displayed in the network topology view

[column 16, lines 24-34].

Gauvin teaches wherein said interactive connector icon is displayed on said map

and is attached to said network device, by disclosing that a user may select elements in

the network topology view for expansion *[column 18, lines 5-19]*. A group expansion

mechanism associated with each element may be selected *[column 24, lines 13-34]*.

Gauvin teaches a list organizer that displays a multiple link connector (MLC) list

in response to a selection of said interactive connector icon, each row of said MLC list

showing an association between one of said outside link bundles and a respective one

of said plurality of groups of outside network devices, each outside link bundle

comprising one or more direct connections, by disclosing displaying a group view

control mechanism in response to selecting a group expansion mechanism *[column 26, lines 29-41]*. The group view control mechanism provides different levels of group expansion for selection *[column 26, lines 42-48, column 27, lines 7-19; figure 10]*.

6-7.   Regarding claim 8, Gauvin teaches the claim with respect to claim 6, wherein each said outside link bundle is displayed on said MLC list using an interactive outside link widget, by disclosing that the group view control mechanism indicates the currently displayed child group element icons that are child icons to a parent level group *[column 26, lines 47-53]*. The user may use the group view control mechanism to expand a selected element *[column 27, lines 20-44]*.

6-8.   Regarding claim 9, Gauvin teaches the claim with respect to claim 6, wherein each said group of outside network devices associated with said respective outside link bundle is displayed using an interactive group identification widget, by disclosing displaying different levels of group expansion in the group view control mechanism *[column 26, lines 42-48; figure 10]*.

6-9.   Regarding claim 10, Gauvin teaches the claim with respect to claim 8, wherein said list organizer displays said list of connections L(n) associated with a respective outside link bundle in response to selection of said interactive outside link widget, by disclosing that the user may use the group view control mechanism to expand a selected element *[column 27, lines 20-44]*.

6-10. Regarding claim 11, Gauvin teaches the claim with respect to claim 9, wherein said list organizer displays a sub-map of said group in response to selection of said interactive group identification widget, by disclosing that the user may use the group view control mechanism to expand a selected element *[column 27, lines 20-44]*.

6-11. Regarding claim 12, Gauvin teaches the claim with respect to claim 6, wherein said interactive connector icon is not generated for a MLC containing only one connection by disclosing that the expansion icons are used to indicate levels within an element *[column 26, lines 29-35]*. Thus, an element having no children will not have an expansion icon.

6-12. Regarding claim 22, Gauvin teaches the claim with respect to claim 6, wherein at least one of said plurality of groups of outside network devices is associated with only one outside network device, by disclosing that the user may edit groups and subgroups *[column 22, lines 31-65]*. Thus, the system is fully capable of only having one outside node associated with an outside node group. Nodes may be devices *[column 23, lines 44-55]*.

Claims 13-15, 23

6-13. Regarding claim 13, Gauvin teaches the claim comprising whenever a network device has direct connections to a group of outside network devices external to said

map, bundling said direct connections into an outside link bundle, by disclosing

displaying a network topology view of selected elements within a hierarchical

arrangement of icons *[column 16, lines 24-34]*. Elements in the network topology view

may be grouped together *[column 18, line 60 to column 19, line 11; column 22, lines 31-*

65; figure 7]. The elements may be expanded *[column 18, lines 5-19]* to show lower-

level groups *[column 18, lines 50-59; figure 6]*. There is a parent-child relationship

among the elements *[column 16, lines 35-56]*.

Gauvin teaches displaying an interactive multiple link connector (MLC) icon, the

MLC icon grouping all outside link bundles associated with said network device into a

single icon, by disclosing that a user may select elements in the network topology view

for expansion *[column 18, lines 5-19]*. A group expansion mechanism associated with

each element may be selected *[column 24, lines 13-34]*.

Gauvin teaches selecting said MLC icon on said map to obtain a multiple link

connector (MLC) list that displays an interactive outside link widget for each of said

outside link bundles, each outside link bundle comprising one or more direct

connections and each interactive outside link widget associated with an interactive

group identification widget for each group of outside network devices directly connected

to said network device, by disclosing displaying a group view control mechanism in

response to selecting a group expansion mechanism *[column 26, lines 29-41]*. The

group view control mechanism provides different levels of group expansion for selection

[column 26, lines 42-48, column 27, lines 7-19; figure 10].

6-14. Regarding claim 14, Gauvin teaches the claim with respect to claim 13, further comprising selecting said interactive outside link widget for said associated outside link bundle to obtain a list L(n) with all direct connections contained in said associated outside link bundle, by disclosing that the user may use the group view control mechanism to expand a selected element *[column 27, lines 20-44]*.

6-15. Regarding claim 15, Gauvin teaches the claim with respect to claim 13, further comprising selecting said interactive group identification widget on said multiple link connector list to display a sub-map of all network devices in said associated group, by disclosing that the user may use the group view control mechanism to expand a selected element *[column 27, lines 20-44]*.

6-16. Regarding claim 23, Gauvin teaches the claim with respect to claim 13, wherein at least one of said groups of outside network devices is associated with only one outside node, by disclosing that the user may edit groups and subgroups *[column 22, lines 31-65]*. Thus, the system is fully capable of only having one outside node associated with an outside node.

Claims 16, 18-20 (Computer Readable Media)

6-17. Regarding claim 16, Examiner notes that there is no mention of the medium in the specification. The context of the medium as used in the claim would fairy suggest to one of ordinary skill only appropriate manufactures within the meaning of 35 USC 101

which are structurally and functionally interconnected with the program in a manner

which enables the program to act as a computer component and realize its functionality.

Examiner has interpreted computer-readable medium as limited to embodiments which

fall within a statutory category.

Gauvin teaches the claim comprising a network device icon, illustrating a network

device in the context of said map, by disclosing displaying a network topology view of

selected elements within a hierarchical arrangement of icons *[column 16, lines 24-34]*.

Elements in the network topology view may be grouped together *[column 18, line 60 to*

column 19, line 11; column 22, lines 31-65; figure 7]. The elements may be expanded

[column 18, lines 5-19] to show lower-level groups *[column 18, lines 50-59; figure 6]*.

Gauvin teaches an interactive multiple link connector (MLC) icon associated to

said network device, representing all outside link bundles between said network device

and all groups of outside network devices directly connected to the network device, by

disclosing displaying a hierarchy of icons corresponding to the elements displayed in

the network topology view *[column 16, lines 24-34]*.

Gauvin teaches wherein said MLC icon comprises a button for enabling display

of a multiple link connector list and a pop-up window displaying said MLC list, by

disclosing that a user may select elements in the network topology view for expansion

[column 18, lines 5-19]. A group expansion mechanism associated with each element

may be selected *[column 24, lines 13-34]*.

Gauvin teaches a pop-up window displaying said MLC list, wherein each row in

said MLC list displays one of said outside link bundles and said group of outside

network devices to which said outside link connects, said one of said outside link

bundles comprising a plurality of direct connections between the network device and

said group of outside network devices, by disclosing displaying a group view control

mechanism in response to selecting a group expansion mechanism *[column 26, lines*

29-41]. The group view control mechanism provides different levels of group expansion

for selection *[column 26, lines 42-48, column 27, lines 7-19; figure 10]*.

6-18.   Regarding claim 18, Gauvin teaches the claim with respect to claim 16, wherein

each row of said multiple link connector list comprises an outside link widget associated

with a group identification widget, by disclosing displaying different levels of group

expansion in the group view control mechanism *[column 26, lines 42-48; figure 10]*.

6-19.   Regarding claim 19, Gauvin teaches the claim with respect to claim 18, further

comprising a list with all direct connections between said network device and said

group, the list displayed on said map upon selection of said outside link widget, by

disclosing that the user may use the group view control mechanism to expand a

selected element *[column 27, lines 20-44]*.

6-20.   Regarding claim 20, Gauvin teaches the claim with respect to claim 18, further

comprising a sub-map of said group displayed on said map upon selection of said group

identification widget, by disclosing that the user may use the group view control

mechanism to expand a selected element *[column 27, lines 20-44]*.

Response to Arguments

7.   The Examiner acknowledges the Applicant's amendments to claims 1, 4, 6, 13, 14, 16, and 19. Regarding independent claim 1, the Applicant alleges that Weinberg et al (U.S. Patent No. 6,237,006 B1) does not explicitly teach "bundling, for each of said plurality of outside node groups, said direct connections between said subject node and said outside nodes belonging to said outside node group to create an outside link bundle" and "grouping said outside link bundles into a multiple link connector (MLC) object and associating an interactive connector icon with said MLC object," as has been amended to the claim. Examiner has therefore rejected independent claim 1 under 35 U.S.C § 102(2) as being anticipated by Gauvin et al (U.S. Patent No. 7,315,985 B1). Applicant's arguments with respect to independent claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Similar arguments have been presented for independent claims 6, 13, and 16 and thus, Applicant's arguments are not persuasive for the same reasons.

Applicant states that dependent claims 3-5, 8-12, 14, 15, and 18-23 recite all the limitations of the independent claims, and thus, are allowable in view of the remarks set forth regarding independently amended claims 1, 6, 13, and 16. However, as discussed above, Gauvin is considered to teach claims 1, 6, 13, and 16, and consequently, claims 3-5, 8-12, 14, 15, and 18-23 are rejected.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to <u>ALVIN H. TAN</u> whose telephone number is <u>(571)272-8595</u>. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on 571-272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHT   /Tadesse Hailu/
Assistant Examiner   Primary Examiner, Art Unit 2173
Art Unit 2173